

services. Chaplains will not be required to offer a prayer, if doing so would be in variance with the tenets or practices of their faith group."

Chaplains provide prayer within worship services governed by the tenets of their faith. Chaplains also provide prayer in public ceremonies which are patriotic/military (sometimes called secular). The former are completely voluntary; the latter are often required functions at which all manner of people are present. It is at these non-worship ceremonies that the Chaplains must consider their obligations to assist every Soldier to pray.

There is no Army regulatory guidance prohibiting an individual from praying or directing an individual to pray in any specific manner. AR 165-1 is intended to strike a balance between a Chaplain's right to freely express his or her own personal religious beliefs and the Chaplain's duty to ensure that every Soldier is afforded his or her "free exercise" rights under the Constitution.

Pluralism and religious accommodation are trained throughout the Chaplain life cycle with the bulk of the subject matter conveyed in the foundation courses at the Chaplain Officer Basic Course. AR 165-1 is the reference for this training.

The Army Chief of Chaplains sees no reason to provide additional guidelines concerning Chaplains and public prayer since AR 165-1 is sufficient.

The Army Chief of Chaplains will not dictate how an Army Chaplain performs his or her prayer. Chaplains are trained and expected to use good judgment when addressing pluralistic audiences at public, non-worship ceremonies.

U.S. AIR FORCE

REVISED INTERIM GUIDELINES CONCERNING FREE EXERCISE OF RELIGION IN THE AIR FORCE

We are sworn to support and defend the Constitution of the United States. In taking our oath we pledge our personal commitment to the Constitution's protections for free exercise of religion and its prohibition against government establishment of religion.

We will remain officially neutral regarding religious beliefs, neither officially endorsing nor disapproving any faith belief or absence of belief. We will accommodate free exercise of religion and other personal beliefs, as well as freedom of expression, except as must be limited by compelling military necessity (with such limitations being imposed in the least restrictive manner feasible). Commanders should ensure that requests for religious accommodation are welcomed and dealt with as fairly and consistently as practicable throughout their commands. They should be approved unless approval would have a real, not hypothetical, adverse impact on military readiness, unit cohesion, standards, or discipline. Avoidance of schedule conflicts between official activities and religious observances can enhance unit effectiveness and demonstrate mutual respect.

Chaplain service programs are the responsibility of commanders. Chaplains impartially advise commanders in regard to free exercise of religion, and implement programs of religious support and pastoral care to help commanders care for all their people, including opportunities for free exercise of individual beliefs. We will respect the rights of chaplains to adhere to the tenets of their religious faiths and they will not be required to participate in religious activities, including public prayer, inconsistent with their faiths.

Leaders at every level bear a special responsibility to ensure their words and actions cannot reasonably be construed to be officially endorsing nor disapproving any

faith belief or absence of belief. In official circumstances or when superior/subordinate relationships are involved, superiors need to be sensitive to the potential that personal expressions may appear to be official, or have undue influence on their subordinates. Subject to these sensitivities, superiors enjoy the same free exercise rights as all other airmen.

Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion. Nothing in this guidance should be understood to limit the substance of voluntary discussions of religion, or the exercise of free speech, where it is reasonably clear that the discussions are personal, not official, and they can be reasonably free of the potential for, or appearance of, coercion.

Public prayer should not imply Government endorsement of religion and should not usually be a part of routine official business. Mutual respect and common sense should always be applied, including consideration of unusual circumstances and the needs of the command. Further, non-denominational, inclusive prayer or a moment of silence may be appropriate for military ceremonies or events of special importance when its primary purpose is not the advancement of religious beliefs. Military chaplains are trained in these matters.

General rules regarding use of Government computers apply to personal religious matters as they do for other personal matters. Chaplain programs will receive communications support as would comparable staff activities.

These guidelines are consistent with the responsibility of commanders to maintain good order and discipline, and are consistent with the core values of the Air Force: integrity first; service before self; and excellence in all we do.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 8, 2006, in Savannah, GA, David Bennett was attacked by five men outside a local gay bar. According to police, Sidney Swift, one of the alleged attackers, made several antigay remarks towards Bennett while in police custody. Swift's motivation for attacking Bennett was based solely on his sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO BEN CHATER

Mr. LEAHY. Mr. President, in my 32 years as a U.S. Senator, I have met

many extraordinary people. They have included Presidents, Kings and Nobel laureates, artists, soldiers, nurses, activists, and ordinary Americans who are doing any number of wonderful, selfless, and courageous things for their families, their communities, and their country. Some of these people chose careers in public service. Others were leading normal, uneventful lives when they were unexpectedly confronted with circumstances that caused them to become leaders. Many have simply lived inconspicuous lives caring for others. And then there are those who have struggled to overcome unfair and seemingly impossible hurdles and in doing so have shown a force of character and spirit that breaks barriers and inspires awe among everyone they meet.

Ben Chater, a Vermonter who interned in my office several years ago during the summer after his sophomore year at the University of California at Berkeley, is in the latter category. Born with cerebral palsy, Ben has faced obstacles from birth that the rest of us could not even imagine, much less overcome. He has done so with amazing grace, courage, and good humor, and his accomplishments are nothing short of awe inspiring. Ben's refusal to let his disability prevent him from taking on practically any challenge has been an example for me and my wife Marcelle, for my staff, and for virtually everyone who has come into contact with him.

I have little doubt that Ben will continue to set ambitious goals and in reaching them he will demonstrate even further the incredible capacity of the human spirit to overcome adversity. He will also continue to erase the stereotypes and misconceptions about the potential of people with disabilities.

Ben was recently the subject of an article in the Vermont Sunday Magazine by Tom Slayton, who is also the editor of Vermont Life, and I ask unanimous consent that it be printed in the RECORD so others can be inspired by Ben's life and accomplishments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Vermont Sunday Magazine, September 10, 2006].

"IN AWE OF BEN"—BEN CHATER, 23, WITH CEREBRAL PALSY, FINISHES BERKELEY, PREPARES FOR LIFE'S NEXT CHALLENGE

(By Tom Slayton)

This is the story of a fine mind living in a body that won't cooperate.

Ben Chater, 23, of Montpelier has had cerebral palsy since birth. Due to a difficult birth, Ben's brain was deprived of oxygen for a few moments. As a result, he has a major disability—he has limited control over movements of his limbs, or the rest of his body.

He requires assistance with everyday living—getting dressed in the morning, eating a meal, taking a shower. He speaks with some difficulty and requires a motorized wheelchair to get around.

However, Ben's mind is complete and undamaged. In fact, he is extremely bright.

He graduated this year, with honors, from the University of California at Berkeley with degrees in English and linguistics, the study of language—how it works, how sounds combine to make meaning, how the language we use shapes our thinking and our experience.

Linguistics is not for the faint of heart. Or mind. But Ben is neither.

For his work in that field, Ben received the Departmental Citation for Excellence in Linguistics, awarded by the faculty of the department to an outstanding student. He was the only student at Berkeley to receive that award this year.

Ben is not only an outstanding student; he is an outstanding person.

After talking with him for even a few minutes, one forgets the fact that he is in a powered chair and has some difficulty forming words. What remains is the lasting impression of an intelligent, positive, hopeful young man.

"I'm frankly in awe of Ben," says his mother, Maude Chater. "There's a grace about him that I don't understand—nor do I need to."

Maude and her husband, Mike, have worked long and hard to help Ben achieve an independent life. Perhaps the hardest thing for them to do, in recent years, has been to stand back and get out of Ben's way.

"It's very hard for families to resist their protective instincts," she notes quietly.

In addition to academic success that would be remarkable in a person with normal abilities, Ben has served as an intern in the office of U.S. Sen. Patrick J. Leahy, living in Washington while working for the senator. And he recently took—and aced—the LSAT exams—the qualifying exam for law school.

However, all that success does not eliminate the fact that he has difficulties the rest of us cannot imagine.

Recently, Ben went outside into the backyard to check on a blueberry patch, alone, while family members were out and about, as usual. He drove his motorized chair uphill toward some trees—and got mired in a soft spot in the yard.

Two hours later, when his mother arrived back home, she found Ben, still mired, still in his chair, stuck in front of one of the trees. When she went to assist him, Ben's only wry comment was:

"It's a nice tree . . . really!"

Early on—when Ben was a junior at Montpelier High School, to be exact—his special qualities became apparent to all of his classmates.

For Ben, as for most kids, it was a time of change, uncertainty and social stress. Many of the young people he had grown up with had begun to change their interests, and old friends drifted away and new ones didn't appear to take their places. More than most kids, Ben felt isolated.

Unlike most kids, though, he decided to do something about it. He received permission from the school administration to call a school-wide assembly, and at it he spoke to his fellow students about what he saw and felt. He spoke about what it was like to be Ben Chater, teenager, confused and lonely. "I felt I needed to do something," Ben says, remembering the assembly.

What he discovered that day was that he was not alone. Many of his classmates and other students approached him afterward and said they felt exactly the same way—and they thanked him for putting their feelings into words along with his own.

"I don't know a single kid who loved every minute of high school," he says.

With his parents' backing and encouragement, he has always tried to join in the activities and share the interests of his peers. If a school field trip involved climbing a mountain, Ben's first thought was not: "I

can't go," but "How can I climb the mountain, too?"

(Answer: "We need to get a really strong guy to carry me up the mountain on his back." And that's the way it happened.)

But college presented a whole new set of challenges.

How could Ben get by without the assistance of his parents? (Answer: Hire and manage assistants. There are some Social Security funds for just that purpose.)

How could he do the immense amount of work that college typically demands? What about lengthy term papers, for example?

(Answer: The world of electronic communication—computers, e-mail, the Web, blogging and so on—has actually been very helpful to Ben. True, his hands and fingers won't obey his mental commands, but he makes expert use of a headset that enables him to type by tapping with a pointer attached to his head.

When "translated" into computer strokes and electronic impulses, Ben's words and ideas can be communicated freely. And the excellence of his ideas and scholarship stands out.)

How would Ben get to classes in a multi-story building, meet with professors, register, even accomplish something as basic as going to the bathroom in a standard multi-story academic building? (Answer: Attend a university that prides itself on integrating disabled students into all its classes and activities.)

After considerable research and a couple of visits, Ben decided to apply and was accepted at Berkeley, one of the nation's most competitive universities.

"Going to Berkeley expanded my horizons in just about every way imaginable," he says of the school, which is located across the bay from San Francisco.

As Ben explains the situation at Berkeley, he smiles and mentions the school's diverse, multi-ethnic, multi-cultural student body.

"In most cities, 'diversity,' means there are a lot of different sections of town, each with its own different ethnicity or whatever," he said. "But in Berkeley, everybody—all the different kinds of people—lives together. . . . And that creates a kind of social comfort I had never seen before."

People in the Bay area—in California generally, according to Ben—prefer to make life easy and non-confrontational. They tend to be more accepting of different kinds of people because there are a lot of different kinds of people living close together. That means acceptance is the rule, not the exception.

"People with disabilities are just another element in that kind of melting pot," Ben said. "There are a lot of folks in chairs out there—so it's easy to get around."

And people with significant disabilities are more accepted, more worked into the everyday mix of society, he noted.

That doesn't mean that bad things, never happen.

Ben tells the story of the time he went into San Francisco to a concert. His plan was to meet friends in the city and go to the Fillmore, one of the city's main event venues. Then his friends would help him take the Bay Area Rapid Transit train back across the Bay to his apartment.

But things began to go wrong as soon as he reached San Francisco. He couldn't find his friends at all, and by the time the concert got out, he realized that he had to return home on his own.

Unfortunately, by the time he worked all that out, the BART trains had stopped for the night, so Ben had to go home by bus—a much longer and more circuitous route. He found his way to the Trans-Bay Bus terminal, and got a bus part-way home, to Oakland. It was late at night by then, and Ben

had to wait in downtown Oakland for a bus to Berkeley.

The bus finally arrived and Ben drove his motorized chair onto the special lift that buses in the Bay area carry for passengers with disabilities. At that moment, the lift broke down.

And so at 3 a.m. Ben sat suspended over the street, waiting for 45 minutes for a mechanic to come and repair the lift.

Eventually the mechanic fixed the lift, the bus rolled out of the Oakland station, and Ben got home—as the sun was rising at about 5 a.m. He passed out in his chair and was later helped to bed by his roommate.

Such experiences have not cramped Ben's spirit. Now, with his degree in linguistics, a high score on the LSATs, and college behind him, he's taking a bit of a break, letting things settle, thinking about his next move.

There is an employment possibility at Berkeley that he's considering, but he's also visiting law schools—he and his father, Mike Chater, checked out Yale last week; and Ben would also like to visit Columbia and New York University. Eventually, he plans to apply to several law schools, choose one, and start next year. He's also thinking about traveling.

Like many young men and women his age, he also doesn't know precisely what career he wants to follow.

"The thought of being a lawyer . . . working in an office for the rest of my life is not all that exciting," he said. "But going to law school gives you a lot of options—you can do a lot of things with a law degree."

His dad, Ben notes, has counseled him to keep as many options open as he can.

Ben obviously has some things going for him. One is the steady, strong support of his parents.

"Our family was definitely oriented around Ben in his early years," Maude Chater says. "When he got into high school, he directed us to back off a bit."

Vacations and trips have occasionally been challenging. "We travel, but we don't travel light," Maude quips.

Independence has been Maude and Mike's goal for Ben since his birth, and they realize that to foster independence in a person you have to let them be independent.

But there are moments—especially when Ben wants to take a significant step forward, like foreign travel or learning to drive—that can cause the mental brakes to go on in a parent's head. The difficulties Ben faces with daily living are probably at least as stressful on his parents as on Ben himself. But they have learned to stand back. They have learned to learn.

And they are regularly amazed by their son's courage.

For his part, Ben doesn't waste any time at all on self-pity. Not a moment.

"I've never spent a lot of time thinking about what life would be like if I weren't disabled," he said recently. "I believe that everyone's dealt a set of cards, and it doesn't matter which cards you're dealt—it's how you play them."

Interestingly, although he is well aware of the inequities that people with disabilities face in society, he said recently, "There are a lot of things about our society that aren't right, and that aren't fair."

But he said he doesn't want to spend his life worrying about that.

What he said he has learned, and is still learning, is that the more comfortable people can be with themselves, the more power they have over their lives—and by extension, the conditions around them.

Ben doesn't think of himself as a teacher, but he is one. Those who know him say he has taught them about the dignity and deep value inherent in every person, no matter

what their circumstances. At Berkeley, one of his nicknames was "The Rabbi," because of the wise counsel he would offer his classmates, when asked.

He remains modest about his achievements, the long learning process he has come through and the long road that remains ahead. "I'm definitely in the middle of a lengthy process of figuring out which end is up," he said. "It's a process that everyone has to figure out for themselves."

And what are his parents' hopes?

"Our hope for Ben is that he is able to live independently, support himself, and be happy," Maude says "... that he finds his place in the world."

DISASTER RECOVERY PERSONAL PROTECTION ACT

Mr. VITER. Mr. President, as the Senate author of the Disaster Recovery Personal Protection Act of 2006 and a cosponsor of the District of Columbia Personal Protection Act, I believe we must work to support the ability of law-abiding citizens to defend and protect themselves and their families from criminal activity. It has been proven time and time again that prohibiting law-abiding citizens from owning a legal and constitutionally protected firearm does not reduce crime but, as this article which I will ask to have printed in the RECORD states, in fact, increases crime.

I ask unanimous consent that an article published in the August 7 issue of *Legal Times* entitled "The Laws That Misfire: Banning guns doesn't work—in the District or anywhere else" authored by Don B. Kates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Legal Times*, Aug. 7, 2006]

THE LAWS THAT MISFIRE

(By Don B. Kates)

The District of Columbia is now suffering from what its police chief on July 11 called a "crime emergency."

In 1976 the District banned handguns and required that all other guns be kept unloaded and disassembled, making them unavailable for self-defense. The result is that for 30 years, only lawbreakers have had guns readily available for use in the District.

Is that effective policy? Is it a sensible way to respond to a crime emergency? Those policy questions, in addition to purely legal issues, arise in pending litigation that brings a Second Amendment challenge against the District's gun bans.

I recently filed a Brandeis amicus brief supporting this constitutional challenge. My co-counsel were 12 other law professors, and the amici we represent include 16 American, Australian, and Canadian social scientists and medical school professors.

The case in question, *Parker v. District of Columbia*, is currently before the U.S. Court of Appeals for the D.C. Circuit, after an unfavorable ruling in the District Court. The plaintiffs include a woman under a death threat for reporting neighborhood drug-dealing to police and a gay man who used his handgun to defend himself against a hate crime. This brief was filed pro bono, and the amici are not being paid.

What this amicus brief shows is significant, and the information it contains may surprise some. For the truth about gun bans

is that they are policy failures even on their own terms: More guns don't mean more death, and fewer guns don't mean less death. Gun bans like the District's simply don't work.

BRITAIN'S FAILURE

Before the District adopted these policies in 1976, its murder rate was declining. Shortly after the District adopted the gun bans in an effort to reduce crime and violence, its murder rate became the highest of any large American city. It has remained the highest throughout the 30 years these policies have been in force (excepting the few years when the District ranked second or third).

To excuse this disastrous history, anti-gun advocates assert that gun bans covering only a single city are unenforceable.

True enough, but experience shows that gun bans covering an entire nation are also unenforceable. In the United Kingdom, decades of severe gun control failed to stem steadily rising violent crime. So in 1997 the United Kingdom banned and confiscated all legally owned handguns. Yet by 2000 the United Kingdom had the highest violent-crime rate in the Western world—twice ours—and it still does today.

Gun bans are far from working even in a relatively small island nation, the report of England's National Crime Intelligence Service laments: Although "Britain has some of the strictest gun laws in the world [i]t appears that anyone who wishes to obtain a firearm [illegally] will have little difficulty in doing so."

American anti-gun advocates used to cite the United Kingdom, Canada, and Australia as nations where low violence stemmed from severe gun restrictions. But in recent decades those nations' violent-crime rates have skyrocketed, first matching and now far surpassing ours.

In the 1990s those nations moved from severe controls to outright bans and confiscation of half a million guns. Today, Australia and Canada join the United Kingdom in having the highest violent-crime rates in the Western world—more than double ours.

MURDER RATES

For decades anti-gun advocates claimed that America, with the world's highest gun-ownership rate (true), had the highest murder rate (false).

In fact, the recently revealed Russian murder rate for the past 40 years has been consistently higher than the American rate. The Russian murder rate in the 1990s and 2000s has been almost four times higher than the U.S. rate. All this despite Russia's 70 years of banning handguns and strictly controlling long guns—laws that it enforced with police-state methods. Various European nations, including Luxembourg, also ban handguns but have much higher murder rates than the United States does.

Gun bans reflect a quasi-religious belief that more guns (particularly handguns) mean more violence and death, and, concomitantly, fewer guns mean fewer deaths.

This belief is quasi-religious because the believers cling fanatically to it despite scores of studies around the world finding no such correlation.

Consider the 2004 U.S. National Academy of Sciences evaluation: Having reviewed 253 journal articles, 99 books, 43 government publications, and some empirical research of its own, the academy could not identify any gun law that had reduced violent crime, suicide, or gun accidents.

American statistics on both the numbers of guns and murder rates are available from immediately after World War II to the present. In 1946, with about 48 million guns in the country, the U.S. murder rate was 6 per 100,000 people.

By 2000 the number of guns had increased fivefold (to more than 260 million), but the murder rate was almost identical (6.1). It remained there as of year-end 2004, despite the 12 million guns added to the American gun stock since 2000.

In the 60 years since World War II, U.S. murder rates dramatically increased and dramatically decreased—but not in relation to gun ownership, which increased substantially every year.

In the 1950s our murder rate held steady despite the addition of roughly 2 million guns per year. In the mid-'60s through the early '70s, the murder rate doubled, while 2.5 million to 3 million guns were added annually. In the late '70s, the murder rate held steady and then declined, even as 4 to 5 million more guns were added annually. Murder rates skyrocketed with the introduction of crack in the late '80s, but in the '90s they dramatically decreased, even as Americans bought 50 million more guns.

In sum, between 1974 and 2003, the number of guns doubled, but murder rates declined by one-third. So much for the quasi-religious faith that more guns mean more murder.

Multinational studies also discredit that faith. An American criminologist's comparison of homicide- and suicide-mortality data with gun-ownership levels for 36 nations (including the United States) for the period 1990-1955 showed "no significant (at the 5% level) association between gun ownership and the total homicide rate."

A somewhat later European study of data from 21 nations found "no significant correlations [of gun-ownership levels] with total suicide or homicide rates." When you look at the data, guns aren't increasing murders.

WHO KILLS

The myth of more-guns-meaning-more-murder makes sense to people who think most murders involve ordinary people killing in moments of ungovernable rage because guns were available to them.

But ordinary people do not commit most murders, or many murders, or almost any murders. Almost all murderers are extreme aberrants with life histories of violence, psychopathology, substance abuse, and other crime.

Only about 15 percent of Americans have criminal records. But homicide studies reveal nearly all murderers have adult criminal records (often showing numerous arrests), have been diagnosed as psychotic, or have had restraining orders issued against them.

Obviously, such dangerous aberrants should not be allowed any instrument more deadly than a toothpick. Unfortunately, they disobey gun laws just as they disobey laws against violence. But law-abiding adults do not murder, guns or no guns, so there is little point in trying to disarm them.

DEFENDING THE INNOCENT

Worse, banning guns to the general public is not just useless but also counterproductive. Criminals prefer victims who are weaker than they are. The unique virtue of firearms is that they alone allow weaker people to resist predation by stronger, more violent ones.

A recent criminological evaluation states: "Reliable, durable, and easy to operate, modern firearms are the most effective means of self-defense ever devised. They require minimal maintenance and, unlike knives and other weapons, do not depend on an individual's physical strength for their effectiveness. Only a gun can allow a 110 pound woman to defend herself against a 200 pound man."

Research has shown guns are six times more often used by victims to repel criminals than by criminals committing crimes.